

**REGULAR MEETING
of the
CITY OF RIALTO
CITY COUNCIL
City of Rialto, acting as Successor Agency to the
Redevelopment Agency
RIALTO UTILITIES AUTHORITY**

**MINUTES
January 12, 2016**

A regular meeting of the City Council of the City of Rialto was held in the City Council Chambers located at 150 South Palm Avenue, Rialto, California 92376, on Tuesday, December 8, 2015.

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This meeting was called by the presiding officer of the Rialto City Council in accordance with the provisions of **Government Code §54956** of the State of California.

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CALL TO ORDER

Mayor Robertson called the meeting to order at 5:01 p.m.

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The roll was called and the following were present: Mayor Deborah Robertson, Council Members Ed Scott, Ed Palmer and Shawn O'Connell. Also present were City Administrator Michael Story, City Attorney Fred Galante and City Clerk Barbara McGee. Mayor Pro Tem Joe Baca Jr. and City Treasurer Edward Carrillo were absent.

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CLOSED SESSION

- 1 Conference with Legal Counsel - Existing Litigation: The City Council will discuss the following pending litigation(s) pursuant to Government Code Section 54956.9(d)(1):
 - (a) Vanessa Bowling v. City of Rialto
WCAB CR-13-005049
 - (b) Dan Stordahl v. City of Rialto
WCAB CR-13-005031
 - (c) Timothy Strathman v. City of Rialto
WCAB CR-11-0505035

CLOSED SESSION

- 2 Conference with Real Property Negotiator. The City Council will confer with its real property negotiator concerning the following properties pursuant to Government Code Section 54956.8:

(a) Subject: Price and Terms of Conveyance - Contract of Sale
Location: Rialto Municipal Airport Property
(Generally, the southwest corner of Ayala Drive and Renaissance Parkway)
Negotiators: Robb R. Steel, Asst.CA/Development Svs. Dir.
Bryan Goodman, Lewis Hillwood Rialto, LLC.

- 3 Conference with Legal Counsel - Anticipated Litigation: Significant exposure to litigation pursuant to paragraph (2) of Subdivision (d) of Government Code Section 54956.9. Number of cases: One case.

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CLOSED SESSION

Motion by Council Member Palmer, second by Council Member O'Connell and carried by a 4-0 vote to go into Closed Session at 5:05 pm. Mayor Pro Tem Baca Jr. was absent.

City Council returned at 5:55 pm.

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CALL TO ORDER

Mayor Robertson called the meeting to order at 6:05 p.m.

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The roll was called and the following were present: Mayor Deborah Robertson, Council Members Ed Scott, Ed Palmer and Shawn O'Connell. Also present were City Administrator Michael Story, City Clerk Barbara McGee and City Attorney Fred Galante.

Mayor Pro Tem Joe Baca Jr. and City Treasurer Edward Carrillo were absent.

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Pledge of Allegiance and Invocation

Council Member Ed Scott led the pledge of allegiance and Pastor Harry Bratton, Greater Faith Grace Bible Church gave the Invocation.

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City Attorney's Report on Closed Session

City Attorney Fred Galante stated that City Council met in Closed Session on all items listed on the Agenda.

- 1a. Conference with Legal Counsel – Existing litigation. Vanessa Bowling v. City of Rialto. City Council had a discussion and no reportable action was taken.
- 1b. Conference with Legal Counsel – Existing litigation. Dan Stordahl v. City of Rialto. City Council heard a discussion and no reportable action was taken.
- 1c. Conference with Legal Counsel – Existing litigation. Timothy Strathman v. City of Rialto. An update was given and no reportable action was taken.

**City Attorney's Report on
Closed Session**

2. Conference with Real Property Negotiator. Location: Rialto Municipal Airport Property (Generally, the southwest corner of Ayala Drive and Renaissance Parkway). Negotiations with Lewis-Hillwood LLC. Motion by Council Member Palmer, second by Council Member Scott and carried by a 4-0 vote, Mayor Pro Tem Baca Jr. was absent, agreement to extend the obligation of LHR to acquire the 25-30 acres ETET site until May 1, 2016.
3. Conference with Legal Counsel. Anticipated Litigation. City Council heard an update and no further reportable action was taken.

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**PRESENTATIONS AND
PROCLAMATIONS**

- 1 Zoning Presentation - Rialto Planning Division
- 2 Presentation-Introduction of New Rialto Police Chief Randy De Anda - City Administrator Mike Story
- 3 Presentation-Rialto Police Employee Promotions - Police Chief Randy De Anda

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ORAL COMMUNICATIONS

June Hayes, Rialto resident, commended the Police Dept. dispatcher who was pleasant when taking her call. She sees good things for Rialto.

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Council Member O'Connell left the dais at 6:33 pm and returned to the dais at 6:35 pm

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**Consider removing or continuing items
on the Agenda**

Mayor Robertson stated that she requested that item D.5 be continued for the next City Council Meeting.

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CONSENT CALENDAR

A. WAIVE FULL READING OF ORDINANCES

1. Waive reading in full, all ordinances considered at this meeting.

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B. APPROVAL OF WARRANT RESOLUTIONS

- B.1 Resolution No. 22 (12/11/15)
- B.2 Resolution No. 23 (12/18/15)
- B.3 Resolution No. 24 (12/24/15)
- B.4 Resolution No. 25 (01/08/16)

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C. APPROVAL OF MINUTES

- C.1 Regular City Council Meeting - December 08, 2015
- C.2 Special City Council Meeting - December 15, 2015

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CONSENT CALENDAR

D. MISCELLANEOUS

- D.1** Request City Council to (1) Accept the Pepper Avenue & Baseline Road Traffic Signal Upgrade Project, City Project No. 140818; (2) Authorize Filing of the Notice of Completion; and (3) Release of Retention to California Professional Engineering, Inc., a California corporation.
- D.2** Request City Council to Receive and File the Statement of Income and Expenses related to Airport Escrow Account for November 2015.
- D.3** Request City Council to Receive and File the Statement of Income and Expenses related to the Miro Way and Alder Avenue Escrow Accounts for November 2015.
- D.4** Request City Council to Approve a Professional Services Agreement with Kosmont Companies, in the amount of \$35,500, to conduct a feasibility study for establishing an Enhanced Infrastructure Improvement District in the Renaissance Rialto Specific Plan area.
- D.5** Request City Council to Approve the assignment of the Professional Services Agreement from J.L. Patterson & Associates, Inc. to Jacobs Engineering Group, Inc. for engineering services related to the Riverside Avenue UPRR Bridge Widening Project and approve the Novation Agreement documenting the assignment. *(Continued Item)*

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CONSENT CALENDAR

Motion by Council Member Scott, second by Council Member O'Connell and carried by 4-0 vote to approve the Consent Calendar as presented with the exception of Item D.5. Mayor Pro Tem Baca Jr. was absent.

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TAB 1 – Proposed Annexation of Territory to the Rialto Landscaping and Lighting District No. 2

Robert Eisenbeisz, Public Works Director presented the staff report regarding Proposed Annexation of Territory to the Rialto Landscaping and Lighting District No. 2.

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Mayor Robertson declared the public hearing open. No one came forward to speak.

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Motion by Council Member Palmer, second by Council Member Scott and carried by a 4-0 vote to close the public hearing. Mayor Pro Tem Baca Jr. was absent.

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Motion by Council Member Palmer, second by Council Member Scott and carried by a 4-0 vote to continue the item until the January 26th City Council Meeting to tally the ballots.

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TAB 2 – Vacation of Existing Excess Right-of-Way to San Gabriel Valley Water Company

Robb Steel, Development Services Director presented the staff report regarding the vacation of Excess Right-of-Way located northerly of the Intersection of Laurel Avenue and Baseline Road to San Gabriel Valley Water Company.

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Mayor Pro Tem Baca Jr. arrived at 6:43 p.m.

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Mayor Robertson declared the public hearing open. Non one came forward to speak.

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Motion by Council Member Palmer, second by Council Member Scott and carried by unanimous vote to close the public hearing.

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Motion by Council Member Scott, second by Mayor Pro Tem Baca Jr. and carried by unanimous vote to Adopt **Resolution No. 6872**, Approving the Vacation of Existing Excess Right-of-Way and Authorizing the City Administrator to execute a Quitclaim Deed Conveying Underlying Title to approximately 3,400 square feet of Excess Right-of-Way located northerly of the Intersection of Laurel Avenue and Baseline Road to San Gabriel Valley Water Company.

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TAB 3 – Transfer sale proceeds from the sale of Successor Agency parcels to the County Auditor Controller

Robb Steel, Development Services Director presented the staff regarding the authorization to transfer sale proceeds from the sale of Successor Agency parcels to the County Auditor Controller.

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Mayor Pro Tem Baca Jr. asked what was the Education Revenue Augmentation Fund? Does this go to a State Fund?

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Mr. Steel stated that years ago that was set up in the 1990's to allocate properties on the backs of school districts. The County Health Fund was distribute to the school Districts. The goal was to off-load the State's responsibility for school by taking more property taxes from cities and counties.

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Mayor Robertson stated that when the money is returned to the respective taxing agencies does the fund go back into a restrictive account or in their general funds?

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Mr. Steel stated that he believes it goes into their general funds.

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TAB 3 – Transfer sale proceeds from the sale of Successor Agency parcels to the County Auditor Controller

Mayor Robertson stated she wanted to make sure it wasn't dedicated to a capital program.

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Mayor Pro Tem Baca Jr. stated that he seen 13% to the Rialto General Fund so is that a lump sum?

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Robb Steel, Development Services Director stated that they haven't made the transfer yet and City Council will be able to make a decision when they do.

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Motion by Council Member Palmer, second by Mayor Pro Tem Baca Jr. and carried by unanimous vote to Adopt Resolution No. SA1-16 Authorizing the Executive Director to transfer sale proceeds from the sale of Successor Agency parcels to the County Auditor Controller.

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TAB 4 - 2015/16 Annual Slurry Seal Project, City Project No. 160806

Robert Eisenbeisz, Public Work Director presented the staff report regarding the 2015/16 Annual Slurry Seal Project, City Project No. 160806.

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Council Member Scott asked if there was an original Engineer's estimate of this work?

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Mr. Eisenbeisz stated yes, \$1.4 million.

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Council Member Scott stated that in the staff report they refer to a change order amount of \$95,000. Does this relate to change order by the contractor or additional work added?

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Mr. Eisenbeisz stated on the contingency amount that would be for unforeseen issues during construction that require decisions to be made to keep the project going. It's a standard contingency amount of 10% of the contract value that will allow for any adjustments to be made during construction.

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Council Member Scott stated that he continues to have an issue with contingency amounts. It's like telling a contractor here's an extra \$95,000, go for it.

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**TAB 4 - 2015/16 Annual Slurry Seal
Project, City Project No. 160806**

Robert Eisenbeisz, Public Works Director stated that it would have to be justifiable expenses.

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Council Member Scott stated that any contractor can justify anything. He would like to see any amounts approved for contingency to come back to City Council.

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Mr. Eisenbeisz stated that they can do that. The concern would be that while they were in construction that becomes a practical issue of having to authorize them to move forward. If they halt then they end up incurring delay and standby charges.

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Council Member Scott asked for example of what they would run into while they are slurry sealing that they might require a change order?

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Mr. Eisenbeisz stated that if the conditions are a little different than what was originally bid they find some additional area that needs to be addressed.

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Council Member Scott asked when was this bid and when do they actually go out and look at every street they are going to slurry seal? He doubts it.

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Mr. Eisenbeisz stated that he doesn't know if the contractor does that but Public Works looks at them and then identify the limits but sometimes when they get out there things are different by the time construction happens and they may have to extend those limits. Those decisions happen all the time. They scrutinize every change order and they go through City Administrator to look at.

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Council Member Palmer stated that the concern in the past, even when he first got on Council was change orders were just automatically granted. He remembers when they did the bathrooms in the Administration building it was crazy.

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Council Member O'Connell stated that he knows they have \$400,000 from the Gas Fund, \$100,000 from Measure I and \$1 million from the General Fund. They anticipated the cost being \$1.4 million and they got it under \$1 million. What about the money they collected from Burrtec? Where is that going to be used?

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**TAB 4 - 2015/16 Annual Slurry Seal
Project, City Project No. 160806**

Robert Eisenbeisz, Public Works Director stated that is currently budgeted in the overlay project which is in design right now for Cactus Randall and possibly San Bernardino depending on funds.

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Council Member O'Connell asked if they can keep that together in a report. If they have a slew of money being used for the roads, he would hate for them to have different pots they are picking out of. He appreciates the fact that they saved half a million dollars. Is there a way when they do contracts they can, if they are going to do a million, extend it? They have done it in the past, where they can get additional work done based on certain criteria that they have established or do they have to go out for a new bid?

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Mr. Eisenbeisz stated that they could do an addendum to the contract through a contract change order but they would have to come back for authorization to do that.

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Council Member O'Connell stated that he appreciates the savings but would like to see the money out onto the streets as soon as possible.

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Mr. Eisenbeisz stated that all of the change order are part of the close out of the project and they are brought back as part of the package for the acceptance of the work and the Notice of Completion.

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Council Member Scott asked when this was bid out was the Engineer's estimate included in the bid?

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Mr. Eisenbeisz stated yes it was.

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Council Member Scott this tells him it was a bad engineer's estimate or the other contractors inflated their bids based on an engineer's estimate. This is why he continues to have an issue with posting the engineer's estimate on bids. They are basically telling a contractor how much money they have. If they look at the fluctuation in these bids, some are very close to the engineer's estimate and some are over. This is why he is concerned about the additional \$95,000. He has a problem with the way they are bidding the work. They need to take another look at how they bid this stuff out.

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**TAB 4 - 2015/16 Annual Slurry Seal
Project, City Project No. 160806**

Mayor Robertson stated that she always had a problem with the 10% contingency straight off. She did the math and the way they operate often times if they add the \$95,000 to the low bid basically becomes higher than the second bid. So if they know that going in that they can take 10% off of the bid because somewhere along the way they are going to recover it with some action or something that is going to be unforeseen. Then they will become the low bidder. They have to figure out a way that if there is a need to expend the 10% contingency that there is some way that it comes back. Her other question is what is still available? \$400,000? Are they already in the process of some subsequent work design so they can put another bid out on the street or do they need some direction on how much more they would be able to accomplish if they started trying to do some additional work in zone 5. What she heard was what they are putting out and what they are going to accomplish will not cover all of zone 5. So are they figuring out how much they can accomplish with what they still have available? What is TCR Prop 42 Funds? They have a line item but no funds.

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Mr. Eisenbeisz stated that those funds are suspended. They are just trying to show the history of what has been used for slurry in the past.

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Mayor Robertson stated that if its \$400,000 available then they are pulling from the General Fund that is what they had budgeted. Her concern would be that they move forward and come up with an additional project to see how much additional work they can get accomplished. Not necessarily amended to the existing contractor.

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Mr. Eisenbeisz stated that his question is whether the original authorization to release for bid would allow them to go forward with that.

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ORAL COMMUNICATIONS

June Hayes, Rialto resident, stated that since they need to regularly exercise the valves and they are under asphalt, she wanted to make sure they had adequate supervision when they slurry seal and overlay.

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Mayor Pro Tem Baca Jr. stated that he concurred with regards to the change orders. Comparing this to other construction projects, if they were digging he could understand more things coming up. But slurry seals, they can maybe tighten it up a little bit. It's not like major construction and digging. They mentioned that they could potentially finish most of zone 5. But to get to the areas that have potholes. Do they have a separate budget for potholes?

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TAB 4 - 2015/16 Annual Slurry Seal Project, City Project No. 160806

Robert Eisenbeisz, Public Works Director stated that would come of a street maintenance account. This is a capital.

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Mayor Pro Tem Baca Jr. asked if there was sufficient amount of money because it appears they do have a lot of potholes in the City. They need to do a better job going around and fill some of the potholes, for example from Etiwanda to Foothill on Sycamore. This is a big issue.

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Mr. Eisenbeisz stated that this is a constant battle. Sometimes when it rains they end up with a lot of them and so the crews are out working extra in those areas. It's an ongoing activity.

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City Administrator Story stated that they added to the budget last year to purchase a truck that will do the hard patch versus the cold patch they usually do.

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Katie Nickel, Public Works stated they also need to get the field service workers to operate the truck and do more maintenance.

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Mr. Eisenbeisz stated that this will stretch their dollars further because they will make less trips back and forth from the plant and fill more potholes.

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Mayor Pro Tem Baca Jr. stated for example, as a resident he calls and says there is a pothole on Acacia, what is the process for that pothole to be filled and the timeline?

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Mr. Eisenbeisz stated that it's a triage situation. They have to look at where it is in the road and they get batched with others. They would go out with a load to patch one pothole. The maintenance division is constantly evaluating to see where they need to be in any given day. Right now they have a lot of areas getting attention. They are having to do the method now where they are making more trips back and forth and not being as effective. The truck is going through the purchasing process now and they will be able see more responsiveness once they have the truck. Depending on the severity they will use cold mix temporarily until they can come back with the hot mix. Things that are not as critical they may not need that treatment.

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TAB 4 - 2015/16 Annual Slurry Seal Project, City Project No. 160806

Mayor Pro Tem Baca Jr. stated that people are driving more efficient cars so they are not getting as much in the Gas Tax. So they need to find a way to address all these zones. It's apparent they have a long way to go. They are getting a lot of trucks now, what are some of the long term solutions to deal with some of these issues.

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Council Member Scott stated that he would like to focus back on slurry sealing. They approved this \$1.5 million budget when?

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City Administrator Story stated July 2015.

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Council Member Scott stated so it's taken the 6-7 months to get this approved and out on the street and it's not out on the street because they got El Nino and it's too rainy and wet to slurry seal until April. That is a big concern he has. They have very quickly approved money for projects to get them done. The additional \$500,000, they haven't said if they can increase the contract. He thinks they are doing a bad job estimating projects and when they throw out a number and an estimate of \$1.4 million which is \$100,000 less than the \$1.5 million. They are just telling contractors to bid as much as they can and maybe they will get it and then someone comes it at a low number and gets the project. They have to revisit how they are bidding this work. Additionally, is it going to take them another 6 months to approve a bid to do an additional \$500,000 worth of slurry seal? Which puts them in the next budget cycle. They need to find a way of getting this work done within the timeframe they approve it. He has an issue with the engineer estimates that are not close to being accurate.

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Council Member Palmer stated it's been 8 years for him and these engineer estimates. He thought they decided 8 years ago that the policy was that they were not going include the estimates in the bid process. This was the City Hall bathroom situation. Was the estimate from an outside engineer or in-house?

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Mr. Eisenbeisz stated that it was done in-house.

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Council Member Palmer stated then they should have enough knowledge in-house to get pretty to this. He knows back then they were having outside estimates that were costing them \$20,000 to have an engineer telling them it was going to cost them \$140,000 to do something. With that estimate in there they are not getting fair bids.

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TAB 4 - 2015/16 Annual Slurry Seal Project, City Project No. 160806

Robert Eisenbeisz, Public Works Director stated virtually every public works contract that he is aware of has an engineer's estimate as a standard practice for public works construction. He can research that. He knows sometimes it aids them in getting more bids because the contractors often look at the value of the contract to decide if they are going to look at it and go through the work to submit a bid.

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Council Member Palmer stated that makes common sense because they are government agency. They want to know how much they have to spend.

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Mr. Eisenbeisz stated as far as accuracy the prices do fluctuate and engineers tend to be more conservative so they tend to make sure they are not underestimating that cost. There is no exact science to it. He doesn't know how much influence it really has on the bids because they still have to compete with one another. Certainly if there is a desire to not include that, he will research that to make sure they are not violating any public contract code.

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City Attorney Galante stated it's really what the scope of a contract is before they can start adding to it.

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Mayor Robertson stated how long will it take to put another contract out and not to add to the existing one.

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Council Member Scott stated his question is are they doing one or the other.

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City Attorney Galante stated as to scope, they can sometimes add non-substantial amounts if it's a million dollar contract and they recognize there is another stretch of road that was missed, which is allowable. This issue is not unique about the contingencies. Cities grapple with this. There is a public contracts code section that says that they can't offload the responsibility of any errors in the design plans. They do have to submit the plans so bidders can figure out what to bid on. If there are any errors in that plan they can't put in a clause that says any errors is your responsibility contractor. There is a public contracts code that prevents cities from doing that. If a bid comes out too high they could not award a contract. The design plans are an important stage and they want them as accurate as possible.

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**TAB 4 - 2015/16 Annual Slurry Seal
Project, City Project No. 160806**

Council Member O'Connell stated he hears they need to hire personnel and asked how long ago did they authorize the truck and why is it taking so long to get it? He knows Public Works needs more personnel. Has some of this has fallen by the wayside because they don't have the proper personnel? He hears they authorized \$1 million to get sidewalks done. Has that gone out to bid? They need to evaluate where they are at and what they need to get done.

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Mayor Robertson stated that she remembers adopting the budget and putting more money into roads to see that they could hit the ground running and get more accomplished. To see they are going into the 7th month and now they are in the rainy season so it will be further delayed. Going forward she would like to know, because they had budgeted \$1 million every year for the next three years. Are they working on the next set now, in addition to the \$400,000? They need to have a plan to work on the next design plan for next budget year which starts July 1st or are they going to wait to adopt the budget and then start working? Her concern is they said the design work was done in-house. How long did it take them to design it in-house versus consultants? Designing a project and getting it out is a certain amount of time. This is not a lot of details in this project. They are not building structures. How are they doing for the next year and when are they starting. She doesn't know if they are using value engineering on their projects. As they create a design they need to have someone else to look to see if what they are designing and the cost is in fact consistent. Someone needs to validate. Something is wrong with their picture right now. They have used value engineering in other ways. They can do certain small adjustments but can't put in another project. They shouldn't amend the contract for another \$500,000.

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Council Member Scott stated that in Table 2 they have \$15,000 in administrative costs, \$290,000 in construction F010, overhead allocations, construction support, and construction management. Then they have construction Phase 1 and Phase 2. Table 3 which lists the amount of the bid by American Asphalt South. Is the entire cost of this project \$1.5 million as it states in Table 2? Or is what it's going to cost us \$958,000?

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Robert Eisenbeisz, Public Works Director stated that Table 2 is the budget accounts and expense accounts.

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Council Member Scott stated the items about the construction Phase 2 and 3, are those costs in addition to the \$958,000 bid?

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TAB 4 - 2015/16 Annual Slurry Seal Project, City Project No. 160806

Robert Eisenbeisz, Public Works Director stated this has nothing to do with the bid this is just what's in the accounting system.

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Council Member Scott asked if those costs are included in the bid?

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Mr. Eisenbeisz stated those are how the expenses are going to be expensed into the system.

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Katie Nickel, Public Works Dept. stated that Table 2 is a historical look at the funding sources.

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Council Member Scott stated that that adopted project budget for 2015/16 Annual Slurry Seal Project, City Project 160806 is shown in Table 3? Table 3 just says award the construction to American Asphalt South.

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Katie Nickel stated that Table 3 is the funding source string which describes the funding sources and the expense string are the expenditures string in the project module.

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Council Member Scott stated in the bid of \$958,000 does that include construction management, construction support, overhead allocation and administrative design?

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Mr. Eisenbeisz stated no, the bid only includes the construction work by the contractor and that would be paid for out of the construction account.

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Council Member Scott asked of they had already approved the other amounts?

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Katie Nickel stated that they are budgetary numbers. The budget they approved in June 2015 was \$1.5 million. They broke that down into different phases and/or expenditure categories that makes up the \$1.5 million.

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Mayor Robertson stated when they break down the budgeted amount then they put into different little pots. So things are already being expended against the \$1.5 million.

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TAB 4 - 2015/16 Annual Slurry Seal Project, City Project No. 160806

Council Member Scott asked what did the engineer's estimate related to? All this in totality? Or just the construction?

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Mr. Eisenbeisz stated just the construction items.

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Council Member Scott stated they didn't have enough money to cover it to begin with.

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Council Member Palmer stated that he was led to believe they have a budget of \$1.5 million. And it's going to cost them \$958,000 to do this and they have \$500,000 left over. When in actuality there is no extra money.

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Mr. Eisenbeisz stated right, there are additional expenses.

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Mayor Robertson stated in the presentation he talked about the low bid and laid out a sense that there is money to carry over to do a different project when in reality they already budgeted it out \$1.5 million. And the engineer's estimate already busted the budget.

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Mr. Eisenbeisz stated yes, there are still some costs but they will still end up with \$400,000 in the budget when they are done.

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City Administrator Story stated that he will meet with Public Works Director Eisenbeisz and City Attorney Galante regarding not including engineer estimates in any of the bids.

This contractor has done two previous overlays for the City. They can provide City Council the information about both those projects on what they used on change orders. There should be some contingency, probably not 10%. If they reduce it to 5% and not to exceed \$45,000 then they can move ahead and get this slurry underway to get the streets done now.

He will work on getting the bids lined up so when the City Council approves, they are ready to go and not wait until the budget gets approved and then go out for authorization.

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Mayor Robertson asked how many rain dates do they have in this contract? They are going right into El Nino. Their ability mobilize and start something is going to be in the middle of rain.

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TAB 4 - 2015/16 Annual Slurry Seal Project, City Project No. 160806

Robert Eisenbeisz, Public Works Director stated that they don't say how many rain days they get but how many working days they have. He doesn't have the number of working days, it's in the contract.

They are following a lot of standard practices of public works that have evolved because of issues that have come up.

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City Attorney Galante stated that it its standard practice to provide those estimates. He doesn't see a code section that requires it being the bid, the actual estimate number. He knows the plans and specs certainly do. He will look further into that issue.

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Council Member Palmer suggested approving this without contingency. To bring the contingencies to City Council.

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Mr. Eisenbeisz stated that this could cause significant delays.

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City Attorney Galante stated City Council may want to provide some level of authority to the City Administrator to address any potential delay costs.

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City Administrator Story stated that he would want to eliminate the contingency but at least get 5% to have the ability to keep it going. He will have Robert and Katie, for all the CIP projects they have done recently and completed and brought back, they need to bring to City Council a report about how much of the contingency was used. He will make sure that the numbers total up on the staff report.

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Motion by Council Member Palmer, second by Council Member O'Connell and carried by a 4-1 vote to (1) Award a Construction Contract to American Asphalt South, Inc., a California corporation, in the amount of \$958,550.00 for the 2015/16 Annual Slurry Seal Project, City Project No. 160806; (2) Authorize a Purchase Order with Willdan Engineering in the Amount of \$52,560 for Construction Management and Inspection Services for the 2015/16 Annual Slurry Seal Project, City Project No. 160806; (3) Delegate Authority to the City Administrator to Approve and Execute Construction Contract Change Orders up to 5% - \$45,000, with a follow up report on what was used. Council Member Scott voted No.

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TAB 5 - Fifth Amendment to the Professional Services Agreement with West Yost Associates

Robert Eisenbeisz, Public Works Director presented the staff report regarding Fifth Amendment to the Professional Services Agreement with West Yost Associates.

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Council Member O'Connell stated that West Yost has done an amazing job to keep the City of track of what is going. This going into the 5th year and they talked about the 3rd year bringing someone on board so they can gain the knowledge. They are paying almost half a million each year. At the very least even if they needed to maintain West Yost they would have somebody who had knowledge so they didn't just have to have someone on the outside. What do they do after this?

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City Administrator Story stated that they would be proposing that they budget for a Principal Civil Engineer that will be Water and Wastewater related. That will be their primary function to oversee that.

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Council member Scott stated the subcommittee has recommended that very item. He and the Mayor have had a concern of institutional knowledge being lost within the City because one or two people know everything. They talked about escalating bringing someone on board.

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Mayor Pro Tem Baca Jr. stated they have a consultant who has a lot of the institutional knowledge and they don't have someone in-house who knows the water. This is something the general public doesn't understand they don't really have someone on staff who understands the issue. They have a lot of projects going through the City. He thinks it's important to get someone in-house who can stay on top of the projects. Water is a complex issue.

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Stephen Dopudja, West Yost stated under the concession there was the intent things were delivered. Through year 3 there is a budget of \$100,000 a year. None of it has been spent and there backup of some reports. Part of those reports was to create those documents for you. Through a Master Plan or a water supply strategy. So they understand what is going on with the system when they bring on an Engineer. The intent wasn't to have them do as much as they are doing for the City and the Water Concession. It takes a unique person who understands public/private partnerships who can oversee some of these contracts.

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Council Member Scott asked when the next scheduled update on all the projects to City Council was.

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TAB 5 - Fifth Amendment to the Professional Services Agreement with West Yost Associates

Stephen Dopudja, West Yost stated the second Council Meeting in February.

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Motion by Mayor Pro Tem Baca Jr., second by Council Member Scott and carried by unanimous vote to adopt Budget Resolution No. 6873, Approve the Fifth Amendment to the Professional Services Agreement with West Yost Associates, a California Corporation, in the Amount of \$471,860 for Fiscal Year 2015/16 And Revising the Total Contract Amount to \$3,004,563.50.

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TAB 6 - Annual Security System Maintenance and Repair Services

Robert Eisenbeisz, Public Works Director presented the staff report regarding Annual Security System Maintenance and Repair Services.

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Motion by Mayor Pro Tem Baca Jr., second by Council Member Scott and carried by unanimous vote to Adopt Budget Resolution No. 6874; Approve the Professional Services Agreement with Kratos Public Safety & Security for Annual Security System Maintenance and Repair Services; and Increase the Purchase Order for Annual Intrusion Alarm Monitoring Services in the Amount of \$22,000 for a Total Amount of \$62,000.

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TAB 7 - Community Center Rehabilitation Phase 4 Project and Community Center Fence Project

Robert Eisenbeisz, Public Works Director presented the staff report regarding Community Center Fence Project Community Center Rehabilitation Phase 4 Project, City Project No. 150305, and the Community Center Fence Project, City Project No. CB160.

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Council Member O'Connell asked about what MAIP has done for the city and the other company?

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Mr. Eisenbeisz stated that the other company was the contractor that did the actual work. MAIP is the designer.

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Mayor Pro Tem Baca Jr. stated that hopefully this will address some of the vandalism issues. He hopes the fence is aesthetically pleasing as they continue to try to improve the image of the City of Rialto. Hopefully they have a good project and they bring a design that looks good.

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**TAB 7 - Community Center Rehabilitation
Phase 4 Project and Community Center
Fence Project**

Motion by Council Member Palmer, second by Council Member O'Connell and carried by unanimous vote to approve the Fourth Amendment to the Professional Services Agreement with Miller Architecture Interior Planning for the Community Center Rehabilitation Phase 4 Project, City Project No. 150305, and the Community Center Fence Project, City Project No. CB1601, in the Amount of \$75,730 for a Total Contract Amount of \$136,390.

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**TAB 8 - Baseline Road and Acacia
Avenue Traffic Signal Upgrade Project,
City Project No. 140815**

Robert Eisenbeisz, Public Works Director presented the staff report regarding the Baseline Road and Acacia Avenue Traffic Signal Upgrade Project, City Project No. 140815.

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Mayor Robertson asked if there plans for other intersections like Eucalyptus and Baseline, Sycamore and Baseline.

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Mr. Eisenbeisz stated there is a list developed based upon some analysis by the traffic consultant. This one was the priorities on that list.

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Mayor Robertson stated that the accident levels seem higher at Eucalyptus and Baseline, Sycamore and Baseline.

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Mr. Eisenbeisz stated that there is definitely funding they can pursue for those intersections.

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Council Member Palmer asked what the status of the Linden/Riverside intersection signal?

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Mr. Eisenbeisz stated that they have a design underway with KOA Corp. So they are hoping to wrap that up by the end of the month to get release for bids and constructed by the summer.

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Motion by Mayor Pro Tem Baca Jr., second by Council Member Palmer and carried by unanimous vote to approve (1) Award a Construction Contract to Smart Tech Group, Inc., a California corporation, in the amount of \$208,000.00 for the Baseline Road and Acacia Avenue Traffic Signal Upgrade Project, City Project No. 140815; (2) Delegate Authority to the City Administrator to Approve and Execute Construction Contract Change Orders up to a Cumulative Amount of \$20,800.

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Mayor Robertson left the meeting at 8:03p.m.

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REPORTS

City Council gave their reports.

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ADJOURNMENT

Motion by Council Member Palmer, second by Council Member Scott and carried by a 4-0 vote to adjourn the City Council meeting at 8:20 p.m., Mayor Robertson was absent, in memory of:

Kenneth Chapman

Rialto Resident and husband of Linda Chapman

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